

REMARKS

In the August 1, 2003 Office Action, claims 1-7, 9-12, and 14-29 stand rejected in view of prior art. Claims 8, 13, 18-20, 25, and 27 also were rejected for failing to indicate and claim particularly and distinctly the subject matter that Applicant regards as the invention. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 1, 2003 Office Action, Applicant has amended the specification and claims 1, 3, 5, 8, 10, 13, 15, 16, 17-20, 22-24, and 26-27 as indicated above, and canceled claims 25 and 28-29. Applicant has also added new claims 30-40 as indicated above. Thus, claims 1-24, 26-27 and 30-40 are pending, with claims 1, 3, 5, 10, 15, 16, 17, 23, 24, 26, 34, and 35 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

Applicant wishes to amend Figures 3, 16, 17, 18, and 19 to correct grammatical errors therein. Accordingly, Applicant has filed herewith a Request for Approval of Proposed Drawing Corrections. Applicant believes that the drawings now comply with 37 CFR §1.83(a).

Specification

Applicant wishes to amend the specification as indicated above to correct the typographical errors. Applicant believes that the specification is now correct and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1).

Claim Rejections - 35 U.S.C. §112

Appl. No. 09/934,521
Amendment dated October 30, 2003
Reply to Office Action of August 1, 2003

In item 1 of the Office Action, claims 8, 13, 18-20, 25, and 27 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has amended the aforementioned claims to clarify them.

Specifically, original claims 8, 13, 18-20, 25, and 27 recite the term “the same” which was determined to render the claims indefinite. In response, Applicant has amended the claims 8 and 13 to recite -- said selected analysis method --, claims 18-20 and 25 to recite -- said measurement data --, and claim 27 to recite -- said analytical data --

Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 102

In item 2 of the Office Action, claims 1-7, 10-12, and 15-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,998,533 (“Winkelman”). Applicant respectfully disagrees that Winkelman anticipates the arrangements of claims 1, 2, 5-7, and 15 as originally filed, although claims 1, 3, 5, 10, 15, and 16 have been amended to clarify the languages. Claims, 17, 23, 24, and 26 have been amended to clearly define the present invention over the prior art of record. Claims 25 and 28-29 have been canceled. Applicant believes that claims 1-7, 10-12, 15-24, and 26-27 as currently presented are not anticipated or suggested by Winkelman.

Claims 1, 5, and 15

Clearly, claims 1, 5, and 15 as originally filed require that the analytical data be transmitted from the analysis device ***to the measurement device via the network***. Applicant believes that Winkelman does not disclose or suggest such arrangement.

First of all, in Winkelman, the analytical data is transmitted from the computer 30, which is the analysis device, to the output device 31, ***not*** to the video camera 28, which is the

measurement device. *See* Figure 1, column 9, line 65-column 10, line 4, column 13, line 56-column 14, line 26. Clearly, this is contrary to the requirement of claims 1, 3, 5, 10, 15, and 16, which clearly requires that the analytical data be transmitted to the *measurement device*.

Furthermore, even if the output device 31 is considered as part of the measurement device, Applicant believes that Winkelman still does not anticipate or suggest the arrangements of claims 1, 5, and 15. More specifically, claims 1, 5, and 15 require that the analytical data be transmitted from the analysis device to the measurement device *via the network* or the *connection means*. The “network” and “connection means” herein respectively refer to the “network” and “connection means” used in line 5 of claim 1, line 3 of claim 15, and line 2 of claim 5. In other words, the “network” and “connection means” used for transmitting the analytical data from the analysis device to the measurement device has to be the same as the network or connection means through which the measurement data is transmitted from the measurement device to the analysis device.

In the arrangement of Winkelman, however, even if the video camera 28 and the output device 31 are collectively considered as the measurement device, the path through which the measurement data is transmitted from the video camera 28 to the computer 30, and the path through which the analytical data is transmitted from the computer 30 to the output device 31 are different, as clearly seen in Figure 1. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Thus, Winkelman does not satisfy the requirement of claims 1, 5, and 15.

The amendments to claims 1, 5, and 15 set forth above have been made to clarify the language of the claims. In view of the disclosure on page 31, lines 4-8, Applicant believes that no new matter has been added by the current amendments to claims 1, 5, and 15.

Claims 3, 10, and 16

Claims 3, 10, and 16 have been amended to recite that the analytical data is transmitted to an output device via the network. Applicant believes that Winkelman does not anticipate or suggest the arrangement of claims 3, 10, and 16 as amended, because the analytical data in Winkelman is not transmitted from the analysis device to an output device via the network or the connection means, as required by claims 3, 10, and 16.

More specifically, claims 3, 10, and 16 require that the analytical data be transmitted from the analysis device to the output device *via the network* or the *connection means*. The “network” and “connection means” herein respectively refer to the “network” and “connection means” used in line 5 of claim 3, line 3 of claim 16, and line 2 of claim 10. In other words, the “network” and “connection means” used for transmitting the analytical data from the analysis device to the output device has to be the same as the network or connection means through which the measurement data is transmitted from the measurement device to the analysis device.

On the other hand, in the arrangement of Winkelman, the analytical data is transmitted from the computer 30 to the output device 31. Also, the path through which the measurement data is transmitted from the video camera 28 to the computer 30 and the path through which the analytical data is transmitted from the computer 30 to the output device 31 are different, as clearly seen in Figure 1. Thus, Winkelman does not satisfy the requirement of claims 3, 10, and 15.

Claims 17 and 23

Claims 17 and 23 have been amended to recite that the network is selected from a group consisting of an internet, a public telephone network, a mobile communication network, and an ISDN. This amendment is supported by page 5, lines 22-25 and page 24, lines 8-11 of

the specification. Applicant believes that Winkelman does not anticipate or suggest the arrangement of claims 17 and 23 as amended, because Winkelman does not anticipate or suggest transmission of the measurement data to the analysis device via a network as defined in claims 17 and 23.

More specifically, there is no disclosure or suggestion in Winkelman that the network connecting the video camera 28, the computer 30, and the output device 31 is any of an internet, a public telephone network, a mobile communication network, and an ISDN. Rather, column 9, lines 50-57 strongly suggests that the system of Winkelman is designed to be used within one premise, where the patient's head is maintained in a fixed cradle and the images of the in vivo analysis of blood cell characteristics are viewed by the physician. Thus, Applicant believes that Winkelman does not anticipate or suggest the arrangements of claims 17 and 23 as currently amended.

Claims 24

Claim 24 has been amended to claim a computer that is connected to the measurement device and receives analytical data from the analysis device via the measurement device. This claim is based on the embodiment shown in Figure 17 and discussed on page 54, line 18-page 55, line 5. Applicant believes that Winkelman does not anticipate or suggest such computer.

As clearly shown in Figure 1, the analysis data in Winkelman is sent from the computer 30 to the output device 31 directly, but *not* through the video camera 28, which is the measurement device. This is clearly contrary to the requirement of claim 24. Thus, Applicant believes that claim 24 is not anticipated or suggested by Winkelman.

Claims 26

Claim 26 has been amended to recite that the output device is connected to the analysis device via a network and receives analytical data from the analysis device via the network. This claim is based on the embodiment shown in Figures 2 and 3 and discussed on page 25, line 25-page 27, line 3. Applicant believes that Winkelman does not anticipate or suggest such output device.

More specifically, Winkelman does not meet the requirement of claim 26, since claim 26 requires that the “network” used for connecting the analysis device to the measurement device be the same as the network through which the output device is connected to the analysis device. This is because the “the network” in line 4 of claim 26 refers to the “network” in line 2 of claim 26. As clearly seen in Figure 1, the video camera 28 and the computer 30 of Winkelman are connected through a path that is different from a path through which the computer 30 and the output device 31 are connected. Clearly, this is contrary to the requirement of claim 26. Thus, Applicant believes that claim 26 is not anticipated or suggested by Winkelman.

Therefore, Applicant respectfully submits that the independent claims 1, 3, 5, 10, 15, 16, 17, 23, 24, and 26 as presented above are not anticipated by the prior art of record. Withdrawal of these rejections is respectfully requested.

Moreover, Applicant believes that the dependent claims 2, 4, 6, 7, 11, 12, 18-22, and 27 are also allowable over the prior art of record in that they depend from the independent claims, and therefore are allowable for the reasons stated above. Additionally, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims, neither does the prior art anticipate the dependent claims 2, 4, 6, 7, 11, 12, 18-22, and 27.

Applicant respectfully requests withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In item 3 of the Office Action, claims 9 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,998,533 (“Winkelman”) in view of U.S. Patent No. 4,491,725 (“Pritchard”). In response, Applicant has amended independent claims 5 and 10 as mentioned above. Applicant believes that claims 9 and 14 are not anticipated or suggested by Winkelman and Pritchard, either singularly or in combination.

More specifically, the arrangements of independent claims 5 and 10 are not disclosed or suggested by Winkelman, as discussed above.

Pritchard has been cited in the Office Action to show the determination means for determining items billed to the manager of the measurement device. Clearly, there is no disclosure or suggestion of transmission of the analytical data to the measurement device via the network as required by claim 5, or transmission of the analytical data to an output device via the network as required by claim 10.

Applicant respectfully asserts that since independent claims 5 and 10 are not disclosed or suggested by Winkelman and/or Pritchard, the dependent claims 9 and 14 are also not disclosed or suggested. Applicant believes the dependent claims are further allowable because they include additional limitations.

Therefore, Applicant respectfully requests that these rejections be withdrawn in view of the above comments and amendments.

New Claims 30-40

Applicant has added new claims 30-40, with claims 34 and 35 being independent claims, as indicated above. Applicant believes that claims 30-40 are allowable over the prior art of record.

With regard to claims 30-33, they depend from claims 1, 3, and 17. Since claims 1, 3, and 17 are not anticipated or suggested by the prior art of record as discussed above, Applicant also believes that claims 30-33 are allowable over the prior art of record.

Claim 34

Claim 34 is directed to a system where the analytical data is transmitted to the measurement device from the analysis device via a network. This claim corresponds to the embodiment shown in Figures 16 and 17 and discussed on page 54, line 12-page 55, line 5. Applicant believes that the arrangement of claim 34 is not disclosed or suggested by Winkelman, Pritchard, or any of the prior art of record.

More specifically, claim 34 requires that the network through which the measurement date is transmitted to the analysis device be the same as the network through which the analytical data is transmitted to the measurement device, in view of the reference to the term “network” in lines 3, 8, and 12.

Clearly, Winkelman does not disclose or suggest such structure. As seen in Figure 1, though the video camera 28 transmits the measurement data to the computer 30, the computer 30 does not transmit any data back to the video camera 28. Also, even if the output device 31 is considered as part of the measurement device, the path through which the video camera 28 transmits the measurement data to the computer 30 is different from the path through which the computer 30 transmits the analytical data to the output device 31. Thus, the system of Winkelman does not meet the requirement of claim 34.

With regard to Pritchard, there is clearly no disclosure or suggestion of a measurement device and an analysis device that transmit data to each other via a network, since Pritchard concerns with insurance verification and processing system.

Thus, Applicant believes that the arrangement of claim 34 is not disclosed or suggested by any of the prior art of record.

Claim 35

Claim 35 is directed to a system where an output device is connected to the measurement device via a network and receives analytical data from the analysis device via the network. This claim is based on the embodiment shown in Figures 2 and 3 and disclosed on page 25, line 25-page 27, line 3. Applicant believes that the arrangement of claim 35 is not anticipated or suggested by any of the prior art of record.

More specifically, claim 35 requires that the “network” for connecting the analysis device to the measurement device be the same as the network through which the output device is connected to the analysis device, in view of the reference to the network in lines 3 and 4 of claim 35.

With regard to Winkelman, it does not disclose or suggest the network that connects the measurement device to the analysis device, and the analysis device to the output device, as required by claim 35. As clearly seen in Figure 1, the video camera 28 and the computer 30 of Winkelman are connected through a path that is different from a path through which the computer 30 and the output device 31 are connected. Clearly, this is contrary to the requirement of claim 35. Thus, Applicant believes that claim 35 is not anticipated or suggested by Winkelman.

With regard to Pritchard, there is clearly no disclosure or suggestion of a system where a measurement device, an analysis device, and an output device are connected via the same network, since Pritchard concerns with insurance verification and processing system.

Thus, Applicant believes that the arrangement of claim 35 is not disclosed or suggested by any of the prior art of record.

Moreover, Applicant believes that the dependent claims 36-40 are also allowable over the prior art of record in that they depend from the independent claims 34 and 35, and therefore are allowable for the reasons stated above. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims 34-35, neither does the prior art anticipate the dependent claims 36-40.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-24, 26-27 and 30-40 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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